

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 314.27, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 105, “Holiday Rest Stops,” and Chapter 106, “Promotion of Iowa Agricultural Products at Rest Areas,” and to rescind Chapter 123, “Rest Area Sponsorship Program,” Iowa Administrative Code.

The proposed amendments to Chapter 105 correct implementation statutes and the chapter’s implementation sentence, add the Department’s Web site, and eliminate unnecessary language.

The proposed amendments to Chapter 106 add the Department’s Web site and eliminate unnecessary language.

The Department is proposing to rescind Chapter 123. The Department developed this chapter based on the Federal Highway Administration allowing sponsorships of interstate rest areas. Once the rules were in place, the Department promoted the program and held a letting to secure sponsors. Only eight rest areas were adopted, resulting in only \$55,000 of sponsorship funds per year. The Department conducted additional promotions, held a second letting and received no bidders. Once the three-year term expired, none of the current sponsors were interested in future sponsorships. Other states have experienced the same lack of interest. The restrictions put on the program by the Federal Highway Administration severely limited the benefits that potential sponsors would receive.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Strategic Communications and Policy, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.
5. Be received by the Department’s rules administrator no later than October 31, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, November 2, 2017, at 10 a.m. in the Administration Building, First Floor, South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 314.27 and 1995 Iowa Acts, chapter 18, section 2.

The following amendments are proposed.

ITEM 1. Amend rule 761—105.1(307), parenthetical implementation statute, as follows:

761—105.1(307,314) Purpose.

ITEM 2. Amend paragraph **105.2(3)“a”** as follows:

a. ~~The Saturday, Sunday, and Monday of~~ Memorial Day weekend and Labor Day weekend, starting at noon on the preceding Friday and ending at midnight between Monday and Tuesday of the holiday weekend.

ITEM 3. Amend subrule 105.2(4) as follows:

105.2(4) Information. General information regarding holiday rest stops is available from the Office of Maintenance, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010 or the department’s Web site at www.iowadot.gov.

ITEM 4. Amend rule 761—105.3(321), parenthetical implementation statute, as follows:

761—105.3(321 307,314) Conditions.

ITEM 5. Amend subrule 105.3(1) as follows:

105.3(1) The sponsor shall not request or accept payment for the refreshments served. The sponsor may accept voluntary donations using containers clearly labeled with a sign stating “donations.” If donation containers are used, the sponsor shall place signs within the immediate area of the operation at locations designated by the department stating ~~the refreshments are free. An example of appropriate signing would be~~ “free refreshments.”

ITEM 6. Amend rule 761—105.4(321), parenthetical implementation statute, as follows:

761—105.4(321 307,314) Holiday rest stops on interstate highways.

ITEM 7. Amend subrule 105.4(3), introductory paragraph, as follows:

105.4(3) Request. A request to sponsor a holiday rest stop in an interstate rest area shall be made on Form 810023. This form is available from the department’s district offices, ~~or the office of maintenance or the department’s Web site.~~

ITEM 8. Amend subrule 105.4(4), introductory paragraph, as follows:

105.4(4) Approval of request. The request is subject to the approval of the office of maintenance. ~~The request shall be approved unless there is good cause for denying it.~~

ITEM 9. Amend rule 761—105.5(307), parenthetical implementation statute, as follows:

761—105.5(307,314) Holiday rest stops on primary highways.

ITEM 10. Amend subrule 105.5(3), introductory paragraph, as follows:

105.5(3) Request. A request to sponsor a holiday rest stop along a noninterstate primary highway shall be made on Form 810023. This form is available from the department’s district offices, ~~or the office of maintenance or the department’s Web site.~~

ITEM 11. Amend subrule 105.5(4), introductory paragraph, as follows:

105.5(4) Approval of request. The request is subject to the approval of the district engineer. ~~The request shall be approved unless there is good cause for denying it.~~

ITEM 12. Amend **761—Chapter 105**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 307.12 and 314.27 ~~and chapter 321.~~

ITEM 13. Amend rule 761—106.3(307) as follows:

761—106.3(307) Information. General information regarding agricultural promotions at interstate rest areas is available from the Office of Maintenance, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010, or the department’s Web site at www.iowadot.gov.

ITEM 14. Amend subrule 106.4(1), introductory paragraph, as follows:

106.4(1) A request to promote an Iowa agricultural product at an interstate rest area shall be made on Form 810059. This form is available from the department's district offices, ~~or~~ the office of maintenance or the department's Web site.

ITEM 15. Amend subrule 106.4(2), introductory paragraph, as follows:

106.4(2) Approval of request. The request is subject to the approval of the office of maintenance. ~~The request shall be approved unless there is good cause for denying it.~~

ITEM 16. Amend rule 761—106.5(307) as follows:

761—106.5(307) Time frame. Promotions shall be allowed only during daylight hours. Promotions shall be allowed year-round except for the following holiday periods:

1. ~~The Saturday, Sunday, and Monday of Memorial Day weekend and Labor Day weekend,~~ starting at noon on the preceding Friday and ending at midnight between Monday and Tuesday of the holiday weekend.

2. to 4. No change.

ITEM 17. Rescind and reserve **761—Chapter 123**.